FACT SHEET – ~~INTERNAL ONLY~~

Environmental Stewardship Initiatives for
PF225 Fence Construction along the Southwest Border
U.S. Border Patrol Marfa Sector
September 2010

U.S. Customs and Border Protection

The following is a summary of the environmental stewardship initiatives undertaken by U.S. Customs and Border Protection (CBP) during the planning, construction, and post-construction stages associated with installing tactical infrastructure (TI) along the U.S./Mexico International Border in the U.S. Border Patrol (USBP) Marfa Sector for TI sections "L-1," "L-1A," and "L-1B." TI is a term used by the USBP to describe the physical structures that facilitate enforcement activities. These items typically include, but are not limited to, roads, vehicle and pedestrian fences, lights, gates, and boat ramps. TI proposed under CBP's Secure Border Initiative (SBI) Pedestrian Fence 225 (PF225) Program within the Marfa Sector consisted of pedestrian fence and construction/maintenance roads along the U.S./Mexico International Border in Hudspeth and Presidio counties, Texas. Temporary construction staging areas and access roads were also required to build the TI. This Fact Sheet provides the environmental impacts anticipated during pre-construction planning and those actually encountered during and following construction. In addition, it describes stakeholder outreach efforts that were carried out during all phases of the project, contributing partners, and any continuing issues.

On April 1, 2008, the Secretary of the U.S. Department of Homeland Security (DHS), pursuant to Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, as amended, exercised the waiver authority and waived certain environmental and other laws in order to ensure the expeditious construction of TI along the U.S./Mexico International Border. The TI described in this Fact Sheet is covered by the Secretary's April 1, 2008, waiver. Although the Secretary's waiver means that CBP no longer has any specific legal obligations under the laws that are included in the waiver, the Secretary has committed DHS to responsible environmental stewardship of our valuable natural and cultural resources. CBP strongly supports the Secretary's commitment to responsible environmental stewardship. To that end, CBP prepared a pre-construction Environmental Stewardship Plan (ESP), which analyzed the potential environmental impacts associated with construction of TI. Following construction, CBP prepared an Environmental Stewardship Summary Report (ESSR), which compared the final completed action to the original planned for installation of TI.

The following is a summary of CBP's environmental stewardship efforts.

- CBP carried out environmental stewardship efforts before, during, and after construction.
- Environmental impacts that resulted from this project were both positive and negative.
- Best Management Practices (BMPs) were developed and carried out to minimize negative environmental impacts.
- Stakeholder public outreach was conducted during all phases of the project. Some of the stakeholder input resulted in changes to the project.
- CBP participated in interagency and intergovernmental coordination activities to help minimize potential environmental impacts and streamline environmental review processes. Some of the interagency and intergovernmental input also resulted in changes to the project.

After construction of the TI in the USBP Marfa Sector, the following facts were identified:

- TI was constructed only at Section (b) (7)(E) TI was not constructed at Sections (b) (7)(E)
- Because TI was not constructed at Sections (b) (7)(E) the length of the fence and construction/maintenance road corridor was reduced from (b) (7)(E) anticipated in the ESP to approximately (b) (7)(E) that were actually constructed.
- Approximately 48.5 acres of soil were disturbed from the construction of TI in the USBP Marfa Sector. Of the 48.5 acres, 28.1 acres were permanently disturbed, while 20.4 acres were temporarily disturbed during

construction activities. Because TI was not constructed at Sections (b) (7)(E) the overall acreage of disturbed soil was reduced by 38 percent from the approximately 78.1 acres anticipated in the ESP.

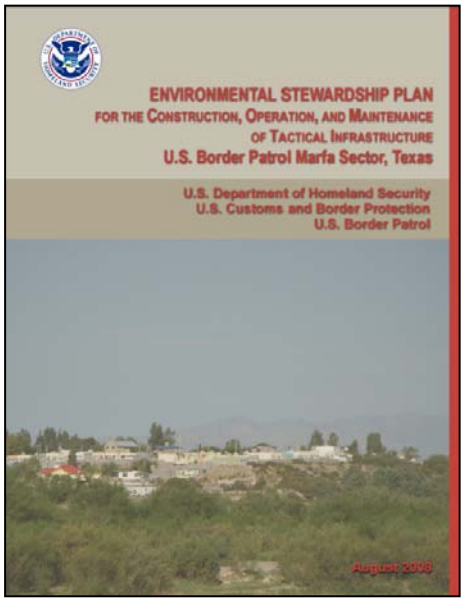
- No impacts on cultural resources occurred.
- Wetland areas were not impacted more than anticipated in the ESP. Section L-1 crossed-through portions of nine unavoidable wetlands and ephemeral washes totaling approximately 1 acre in size. Erosion and sediment control measures were implemented to minimize the impacts. A total of five wetland areas identified in the ESP at Sections (b) (7)(E) were completely avoided because construction did not occur at these sections.
- There were no adverse impacts on federally listed species or critical habitats of federally listed species.

Wetland Area - Ephemeral Wash
Section L-1

ENVIRONMENTAL STEWARDSHIP COMPONENTS

CBP carried out environmental stewardship initiatives during all phases of the project, before, during, and after construction. Each component is discussed in the following paragraphs.

PRE-CONSTRUCTION



Environmental Stewardship Plan – In 2008, prior to construction, CBP developed an ESP for the USBP Marfa Sector.

- August 2008 – *Environmental Stewardship Plan for the Construction, Operation, and Maintenance of Tactical Infrastructure U.S. Border Patrol Marfa Sector, Texas*.

The ESP discusses the unique biological, geographical, and environmental conditions associated with the areas proposed for TI and includes BMPs and mitigation measures designed to reduce and offset potential environmental impacts. The ESP remains available to the public and is posted on the internet at: http://cbp.gov/xp/cgov/border_security/ti/ti_docs/.

Biological Resources Field Surveys – CBP carried out pre-construction surveys to identify existing vegetation and wildlife within the area of the proposed fence and construction/maintenance road corridor, construction staging areas, and construction access roads. Special attention was paid to identifying federally listed species and critical habitats of federally listed species within the project area.

Estimated Footprint – It was estimated prior to construction that approximately 78.1 acres of land would be disturbed from the construction of TI in the USBP Marfa Sector.

Examples of potential environmental impacts and the BMPs and mitigation measures used to minimize these impacts are listed in **Table 1**. Not all anticipated environmental impacts were adverse; in fact, some were positive. CBP predicted that the installation of TI would reduce the amount of smuggling and illegal immigration, which would have a beneficial effect on national security and socioeconomics. The reduction in illegal cross-border activity would reduce foot traffic in sensitive habits and would benefit native species and their habitats. Local agricultural operations would benefit from a reduction in litter, trampled crops, and injured or killed cattle caused by illegal cross-border activity.

Table 1. Potential Environmental Impacts and BMPs/Mitigation Measures Identified Prior to Construction

Potential Environmental Impact (Cultural, Species, Wetlands)	BMPs and Mitigation Measures to Reduce or Eliminate the Potential Environmental Impact
Discovery of cultural resources in work area	• Halt construction until authorized to proceed by a qualified archaeologist who will consult with appropriate resource agencies
Discovery of federally protected species in work area	• Halt construction until an environmental monitor can safely remove the protected species or it moves away on its own
Wildlife impacts due to construction, fencing, and habitat fragmentation	• Survey the area for migratory bird nests immediately prior to construction • Integrate small openings into the fence design to allow small animals to pass through • Integrate wildlife escape ramps into open trenches and excavations • Cap vertical bollards to prevent birds from falling inside
Introduction of invasive species	• Wash equipment prior to use to minimize introduction of nonnative species • Remove only the minimum amount of vegetation • Remove invasive species that appear
Change in size of wetlands and surface waters	• Halt construction during heavy rains • Design fence to allow the conveyance of water • Avoid stream crossings at channel bends when practical alternatives exist

DURING CONSTRUCTION

CBP contracted independent environmental monitors (i.e., for biological and cultural resources) to be present during all construction activities. The monitors' responsibilities included documenting adherence to the BMPs prescribed in the ESP, identifying environmental impacts that occurred beyond those predicted in the ESP, and ensuring that federally listed species and cultural resources were not impacted by the TI construction activities. CBP's environmental monitors worked during all construction activities, which occurred from October 2008 until May 2009.

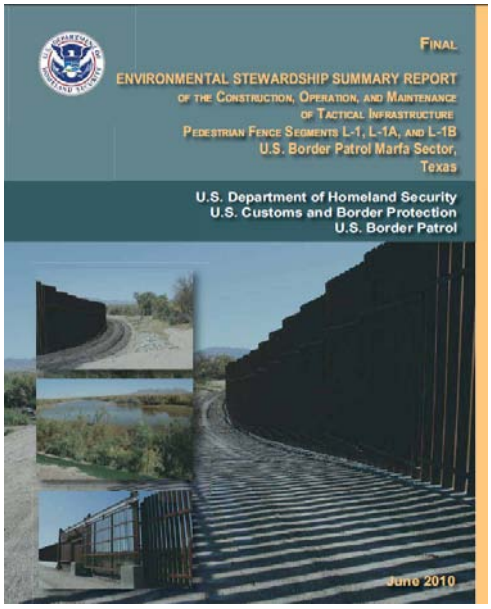
The environmental monitors reported that most BMPs prescribed in the ESP were followed; see **Table 1** for examples of BMPs. However, some deviations did occasionally occur, including the following:

- Lack of flagging around work and parking areas
- Occasional driving outside of designated areas
- Concrete wash outs located outside of designated areas
- Lack of dust control measures.

No known impacts on federally listed species were documented as a result of these infractions. Most infractions did not require revegetation efforts because little to no native vegetation was removed.

Fence Construction
Section L-1

Unexpected field conditions during construction occasionally required practical changes to the plan for placement and design of the TI. One such occurrence took place when (b) (7)(E), which had not been anticipated in the ESP, (b) (7)(E) (b) (7)(E). In these situations, CBP conducted additional environmental surveys and analyses to determine the potential environmental impacts and the appropriate BMPs needed to support the changes. Most changes to the design and placement of the TI were minor and included slight refinements of fence type and footprint to meet operational requirements.



POST-CONSTRUCTION

Environmental Stewardship Summary Report – CBP conducted post-construction field surveys of biological and cultural resources and prepared an ESSR.

- June 2010 – *Final Environmental Stewardship Summary Report of the Construction, Operation, and Maintenance of Tactical Infrastructure Pedestrian Fence Segments L-1, L-1A, and L-1B U.S. Border Patrol Marfa Sector, Texas*.

The ESSR provided the following information:

- Identification of the final locations of TI and acreages of areas impacted
- An environmental baseline for future TI maintenance and repair efforts
- Documentation of the overall adherence and successes of the BMPs implemented during construction
- A record of the differences between the final locations and types of TI and those that were identified in the ESP.

CBP's post-construction field surveys documented that TI was constructed only at Section L-1. No TI was constructed at (b) (7)(E) Because of this, the sector-wide length of the fence and construction/maintenance road corridor was reduced from the (b) (7)(E) anticipated in the ESP to approximately (b) (7)(E) that were actually constructed. In addition, the sector-wide amount of soil disturbed was reduced from approximately 78.1 acres anticipated in the ESP to approximately 48.5 acres noted in the ESSR. Of the 48.5 acres, 28.1 acres were permanently disturbed, while 20.4 acres were temporarily disturbed during construction activities.

For Section (b) (7)(E) specifically, there was (b) (7)(E) and construction/maintenance road corridor compared to that anticipated in the ESP. There was, however, an approximately 34 percent increase in the acreage of disturbed soil compared to that anticipated in the ESP. This increase is primarily attributed to contractors requiring a wider fence and construction/maintenance road corridor and larger construction staging areas than what was originally anticipated prior to construction. Also contributing to the increased ground disturbance are the (b) (7)(E), which needed to be (b) (7)(E) Construction access roads used existing roadways, so no net change in roadway footprint was recorded. **Table 2** summarizes the estimated pre-construction and actual post-construction ground disturbance totals for Section L-1.

Concrete Trench at the Western End of Section L-1

Table 2. Estimated Pre-Construction and Actual Post-Construction Ground Disturbance for Section L-1

Construction Activity	Estimated Disturbance in Acres (linear miles)	Actual Disturbance in Acres (linear miles)	Difference in Acres (linear miles)
Fence and Construction/Maintenance Road Corridor	35 (4.8)	45 (4.6)	+10 (-0.2)
Concrete Trenches	0	1.1	+1.1
Construction Staging Areas	1.2[a]	2.4	+1.2
Total Impacts	**36.2**	**48.5**	**+12.3**

Notes: [a] The ESP did not include the sizes of construction staging areas. They were obtained from CBP GIS data files.

Additionally, CBP's post-construction field surveys identified the following:

- No impacts on cultural resources occurred.
- Wetland areas were not impacted more than anticipated in the ESP. Section L-1 crossed-through portions of nine unavoidable wetlands and ephemeral washes totaling approximately 1 acre in size. Erosion and sediment control measures were implemented to minimize the impacts. A total of five wetland areas identified in the ESP at Sections L-1A and L-1B were completely avoided because construction did not occur at these sections.
- There were no adverse impacts on federally listed species or critical habitats of federally listed species. **Table 3** illustrates that prior to construction no impacts on federally listed species or critical habitats of federally listed species were predicted.

Table 3. Estimated Pre-Construction and Post-Construction Impacts on Federally Listed Species

Method for Species Counts	Animals		Plants	
	Species	Critical Habitat	Species	Critical Habitat
Federally listed species and suitable habitat identified in the ESP	0	0	0	0
Federally listed species observed during pre-construction surveys[a] or construction monitoring[b] within the project area	0	0	0	0
Federally listed species and suitable habitat impacted by construction	0	0	0	0

Notes: [a] Based on the proposed project area [b] Based on surveys and monitoring of revised project areas

STAKEHOLDER OUTREACH ACTIVITIES

Throughout all phases of this project, CBP reached out to stakeholder organizations and regulatory agencies to incorporate their input as potential environmental impacts were identified, evaluated, and mitigated, as necessary. Outreach efforts included the following:

- **Open House** – The general public was invited to receive information and provide comments at an open house event in Marfa, Texas, on January 23, 2008. Approximately 150 people attended the open house and offered approximately 90 comments regarding the project.
- **Incorporation of Comments** – CBP solicited comments from the following:
  - Federal, state, and municipal government agencies
  - Non-government organizations
  - Native American tribes
  - Stakeholder organizations
  - Private individuals.

  For the USBP Marfa Sector, 163 comments were received, considered, and incorporated into the ESP by CBP.
- **Government Agency Coordination** – CBP directly coordinated with government agencies including the following:
  - U.S. Section, International Boundary and Water Commission
  - U.S. Army Corps of Engineers
  - U.S. Fish and Wildlife Service
  - Texas Parks and Wildlife.

The information received from the outreach efforts resulted in numerous changes to the project, including the location of construction access roads, placement of construction staging areas, and design of fence components to minimize potential environmental impacts.

CONTRIBUTING PF225 PROGRAM PARTNERS

To accomplish the 2006 Congressional mandate for the DHS/CBP to construct approximately 700 miles of border fence along the U.S./Mexico International Border by the end of December 2008, the DHS enlisted the assistance and expertise

of interagency departments and other governmental agencies to provide management and subject matter experts for environmental stewardship, construction, real estate acquisition, and contracting tasks. Contributing partners include the following:

- Office of Border Patrol
  - Marfa Sector
- U.S. Army Corps of Engineers
  - Fort Worth District
  - Albuquerque District.

CONTINUING ISSUES

CBP's post-construction surveys identified one continuing issue that needs to be addressed in the future. Storm water that flows through the ephemeral washes that cross the fence and construction/maintenance road corridor occasionally backs up due to insufficient drainage and creates impassable water depths along the construction/maintenance roads. Improved drainage needs to be considered in the future to rectify this issue.

CBP remains committed to environmental stewardship and will continue to monitor the TI for potential additional actions.

High Water at an Ephemeral Wash
Section L-1